



**U.S. Customs and  
Border Protection**

**AUG 03 2011**

The Honorable Jeff Sessions  
United States Senate  
Colonial Bank Centre, Suite 2300-A  
Mobile, AL 36608-1201

Dear Senator Sessions:

Thank you for your June 2, 2011 correspondence on behalf of (b) (6), (b) (7)(C) of American Distribution Company, LLC (hereafter "ADC") of Atmore, Alabama. In your correspondence, you requested U.S. Customs and Border Protection (CBP) review concerns regarding the penalties that were assessed against ADC.

Our review indicated that on October 20, 2010, ADC attempted to import 47 cartons of pocket knives, valued at \$8,532.00. Upon examination, knives were discovered with the U.S. Marine Corps emblem on them and the packaging. Without permission of the Secretary of the Navy, the importation of such items is prohibited under 10 U.S.C. Section 7881. It was also discovered that 6 styles of hunting knives has USA permanently etched on them. The folding knives had false and misleading marking, which is in violation of 19 U.S.C. Section 1304.

On December 29, 2010, a Notice of Seizure was issued for case number (b) (7)(E) informing ADC of its rights and legal obligations. The Notice of Seizure included an Election of Proceedings form which gave ADC the option of submitting a petition for relief, abandoning the property for forfeiture proceedings, or requesting the case be sent for court action.

On January 6, 2011, Fines, Penalties and Forfeitures (FP&F) Office, Los Angeles, received a petition for relief from ADC wherein it was stated that ADC was unaware it could not use the U.S. Marine Corp emblem without permission and that it was changing their logo to avoid problems in the future.

On March 18, 2011, the FP&F Office, Los Angeles, issued a decision denying relief because on the front of the packaging it prominently claimed to be a "USA company," but the "Made in China" sticker was only displayed on a small UPC label on the back of the packaging. Therefore, the merchandise was deemed inadmissible per 19 C.F.R. Section 134.22(c).

On March 23, 2011, a supplemental petition from ADC was received in the FP&F Office, Los Angeles. The FP&F Office, Los Angeles, referred the supplemental petition to the Commercial Seizures and Penalties Branch in the Office of International Trade. A decision letter was issued on

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June 27, 2011 to the FP&F Office, Los Angeles, and a copy of the decision was mailed to ADC on July 19, 2011.

I appreciate your interest in U.S. Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,

(b) (6), (b) (7)(C)

~~(b) (6), (b) (7)(C)~~  
Assistant Commissioner  
Office of Congressional Affairs

Enclosure